

**SUBJECT:** Allowing sale of seats on helicopter hunts for feral hogs and coyotes

**COMMITTEE:** Culture, Recreation, and Tourism — committee substitute recommended

**VOTE:** 7 ayes — Guillen, Elkins, Deshotel, T. King, Kuempel, Larson, Price  
0 nays  
2 absent — Dukes, T. Smith

**WITNESSES:** For — (*Registered, but did not testify:* Marida Favia del Core Borromeo, Exotic Wildlife Association; Seth Terry, Texas Farm Bureau)  
  
Against — Patt Nordyke, Texas Federation of Animal Care Societies); (*Registered, but did not testify:* Nicole Paquette, The Humane Society of the United States)  
  
On — Scott Vaca, Texas Parks & Wildlife Department, Law Enforcement

**BACKGROUND:** Under Parks and Wildlife Code, sec. 62.003, no person may hunt any wild bird or wild animal other than an alligator, frog, or turtle from any type of aircraft or airborne device, motor vehicle, powerboat, or sailboat, or from any other floating device, except for animals and birds not classified as migratory that are hunted within the boundaries of private property or upon private water.

Under current law, an aerial hunting company may obtain a permit from the Texas Parks and Wildlife Department (TPWD) to use an aircraft to manage wildlife or exotic animals. The permit to aerial hunt is specific to nuisance animals such as feral hogs, bobcats, coyotes, and exotics and can only be used for management purposes, not for sport. The fee for this type of permit is \$210 per year. In turn, the aerial hunting company contracts with landowners, who file an authorization to manage exotic animals by aircraft with TPWD.

This permit is allowed under federal law, which provides that no person may hunt or harass any animal or bird from an aircraft unless they have a state permit. In addition, a landowner authorization must be signed by the landowner and the aerial permittee, and the aerial permittee must report

the management activity to the United States Fish and Wildlife Department annually.

**DIGEST:** CSHB 716 would prohibit the Texas Parks and Wildlife Commission from adopting a proclamation or regulation that would ban a landowner from acting as a contractor or participating as a hunter or observer in a helicopter hunt for depredating feral hogs or coyotes.

The bill also would require the commission to amend its rules to comply with the legislation as soon as practical after CSHB 716 took effect on September 1, 2011.

**SUPPORTERS SAY:** CSHB 716 would allow a landowner to sell seats on a helicopter hunt for feral hogs or coyotes. Currently, a landowner can pay a company to hunt the hogs, but this can be costly for the landowner. The bill would allow landowners to defray the costs of controlling these nuisance animals and to help address the feral hog problem during a state budget crisis, when TPWD might be forced to limit its operations.

It is estimated that 1.5 million feral hogs are in Texas. Feral hogs are a prolific species that may have two litters per year, with up to 12 piglets in a litter. The problem of feral hogs has spread from rural areas to the suburbs and highways. Feral hogs devastate agriculture by trampling crops, tearing down fences, spreading diseases to livestock, and eating seeds and livestock feed. Direct damage from feral hogs has been estimated at \$400 million annually. Sympathy for feral hogs is misplaced, because they are omnivores that prey on lambs, kid goats, newborn fawns, ground nesting birds, and endangered sea turtles.

The bill would pose no safety concerns because numerous state and federal regulations govern the safe operation of all aircraft and TPWD regulations ensure the proper conduct of aerial hunts. The helicopter companies and their pilots have additional financial and personal safety incentives to screen those selected to be gunners on a hunt. Interested participants must be able to demonstrate that they have the expertise to handle weaponry properly. Those posing any danger to the pilot or the helicopter would be grounded promptly.

According to the Texas Department of Agriculture, more than 75 percent of the state has suitable terrain and vegetative cover for aerial gunning operations. Aerial hunting remains the most effective method to control

populations of feral hogs and coyotes, which move quickly and cannot be trapped easily. While TPWD is working on a promising program to poison feral hogs, budget limitations could stall that effort.

Concerns about the rotting carcasses of feral hogs killed by aerial hunts are unfounded. While efforts to remove the carcasses can be made, it remains best practice to leave feral hogs where they fall. Diseases from wild hogs do not pose a significant threat to humans, even though their maladies can be passed easily to livestock and wildlife.

TPWD helped revise CSHB 716 to ensure that the change would not legalize “sport hunting” and would meet the United States Fish and Wildlife Department standards. In addition, lawmakers could amend the bill to repeal the sections of the Texas Administrative Code that punish anyone “who pays, barter, or exchanges anything of value to participate as a gunner or observer” and prohibit the use of an aerial hunt permit for sport hunting. Any ambiguity could be addressed further in the rulemaking process by the Parks and Wildlife Commission. The commission is well aware of the need for effective control of nuisance species.

OPPONENTS  
SAY:

Shooting guns from helicopters to hunt feral hogs would pose serious safety risks. Low-flying helicopters can encounter wind shears, power lines, trees, or other land formations while pursuing feral hogs, leading to possible air crashes. Pursuit with low-flying aircraft is inherently cruel and could lead to misplaced shots, wounded animals, and animals left to suffer and die under unacceptable conditions. A moving helicopter provides an unstable aiming platform. Since it is difficult to aim precisely and kill a running feral hog, the rate of wounded and crippled animals is likely to be significant, and wounded animals could cause even more damage. Furthermore, feral hogs tend to occupy low-lying areas and depressions where brush is dense, presenting a difficult target for aerial shooting.

Aside from the safety risks, hunting feral hogs from a helicopter would be a nuisance to nearby residential areas due to the noise from helicopters and gunfire. The practice also could raise issues with carcass removal. Some hogs weigh hundreds of pounds, making it difficult to dispose properly of the carcass. Since the meat cannot be used, the hunter does not have much incentive to retrieve the carcass. If the carcass is not handled properly, health and safety issues could arise, particularly if a carcass was left to decompose near a water source, causing contamination. Since the hunting typically occurs on private property, there are no clear regulations.

Operating and maintaining a helicopter is expensive, so it is possible that this bill would not produce the financial bonanzas for landowners that many have predicted. Nonetheless, hunting from helicopters is an inhumane solution to the problem of feral hogs. Killing even feral hogs or coyotes from a helicopter should not be considered a sport, and selling seats on the craft would further blur the distinction between sport and slaughter.

OTHER  
OPPONENTS  
SAY:

As drafted, CSHB 716 would walk a very narrow line between predator management and sport hunting and may not meet the U.S. Fish and Wildlife standards. In addition, the bill would not address the sections of the Texas Administrative Code that restrict sport hunting.

The provision allowing the sale of seats to hunt coyotes should be removed. State law already allows these animals to be hunted from the air, but there is no evidence that coyotes create the same level of destruction to crops and land as do feral hogs.

NOTES:

The author is expected to offer a floor amendment that would amend the Texas Administrative Code provisions prohibiting the exchange of money or other valuable items to be a gunner or observer and to use an aerial permit for sports hunting.

The committee substitute differs from the original version of the bill by allowing landowners to contract with hunters to hunt coyotes as well as feral hogs from helicopters.

During the 2009 regular session, the House by 125-12 passed HB 836 by S. Miller, which would have allowed those with a proper permit to participate in helicopter hunts for feral hogs. The bill died in the Senate Natural Resources Committee after being re-referred from the Senate Agriculture and Rural Affairs Committee.